

## PRACTICE DIRECTION NUMBER 6 OF 2002

### COURT OF APPEAL

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#### CIVIL APPLICATIONS – PREPARATION OF MATERIAL INTENDED TO BE RELIED UPON AT HEARING

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1. The objects of this Practice Direction are: -
  - to clarify the procedures to be followed by parties participating in civil applications as to the pagination and indexing of the bundle of material intended to be filed and relied upon by the parties at hearing;
  - to prescribe a timetable for the lodgment of this material; and
  - to amend Practice Direction 26 of 1999 in relation to the procedures to be followed by parties participating in civil applications.

2. Practice Direction 5 of 2000 is repealed.

3. Practice Direction 26 of 1999 is amended as follows: -

- (i) Part A – General - paragraph 3 (d), the definition of “index” is amended to read as follows:

“index” where referred to in paragraphs 11 and 32 means the appeal record book index and is a concise list of documents to be included in the appeal record book; otherwise index means the index to a paginated bundle of documents prepared in accordance with this Practice Direction for a civil application

- (ii) Part C – Civil Proceedings – paragraph 28 is repealed.

(iii) The following new paragraphs 28, 28A to 28M are inserted: -

***Timetable for the lodgment and exchange of an indexed paginated bundle of documents***

- 28 Within 10 days of the filing of the application, the Applicant must:
- (i) prepare an indexed paginated bundle of documents and file 3 copies with the registry; and
  - (ii) serve a copy on each respondent to the application.
- 28A Within 10 days of service of the Applicant’s indexed paginated bundle of documents, the Respondent must, if the Respondent intends to rely on any supporting material:

- (i) prepare an indexed paginated bundle of documents and file 3 copies with the registry; and
- (ii) serve a copy on the Applicant.

28B Within 7 days of service of the Respondent's indexed paginated bundle, the Applicant may, if necessary, file and serve a supplementary indexed paginated bundle of documents in reply. The numbering of the Applicant's supplementary bundle should be sequential from the indexed paginated bundle already filed and served by the Applicant.

***Pagination of Bundle of Documents***

28C The Applicant must consecutively number in the lower right hand corner in clear and legible print, each page of the documentation the Applicant intends to rely upon at the hearing. Each number on each page will be preceded with the letter "A". For example, A1, A2, A3.

28D The Applicant's paginated bundle of documents must include a copy of the application.

28E After service of the Applicant's indexed paginated bundle of documents, the Respondent must consecutively number in the lower right hand corner in clear and legible print, each page of the documentation the Respondent intends to rely upon at the hearing. Each number on each page will be preceded with the letter "R". For example, R1, R2, R3.

28F Where there is more than one separately represented respondent to the application, each Respondent must within 10 days of service of the Applicant's indexed paginated bundle, consecutively number in the lower right hand corner in clear and legible print, each page of the documentation that Respondent intends to rely upon at hearing. Each number on each page will be preceded with the number of the respondent and the letter "R". For example 2R1, 2R2, 2R3

28G The following documents are not to be included in the paginated bundle of documents: -

- written outlines of argument;
- any reply to written outlines of argument;
- lists of authorities; and
- photocopies of case authorities.

***Binding of paginated bundle of documents***

28H A party's paginated bundle of documents of more than 50 pages must be securely bound and the binding used must be flat and not obscure documents or their contents, particularly along the left hand margin. Spiral binders are not to be used.

- 28I A party's paginated bundle of documents must be bound into volumes where the total number of pages exceeds 250 pages.

***Index to paginated bundle of documents***

- 28J Before filing and serving a paginated bundle of documents, both the Applicant and the Respondent must prepare and affix an index to the front of the bundle. The index must include the following detail: -
- a. a description of each document in the bundle;
  - b. the page or pages at which the document appears;
  - c. if the bundle contains an affidavit, all exhibits to the affidavit must also be separately described and the page or pages at which the exhibit appears recorded.

Parties are encouraged to follow the format of the sample index Annexure "A" to this Practice Direction.

- 28K If there is more than one volume to a party's paginated bundle of documents, an index must be prepared and affixed to each volume.

***Rule 780 Uniform Civil Procedure Rules***

- 28L Completion of the steps set out in paragraphs 28, and 28A to 28K is deemed to be sufficient compliance by the parties with the requirements of Rule 780 of the *Uniform Civil Procedure Rules*.

***Urgent Civil Applications***

- 28M The steps set out in paragraphs 28, and 28A to 28 K of this Practice Direction shall apply to all civil applications unless otherwise directed by a judge of appeal or by the registrar.

(iv) Paragraph 29 is amended as follows: -

- in (a) omit the reference to "10 days" and insert "28 days"
- in (b) omit the reference to "7 days" and insert "14 days"
- insert new (c) as follows: -

(c) All replies, if any, by the parties to a written outline of argument will be lodged and served no later than 7 days prior to the hearing.

(iv) The following words are to be inserted into paragraph 42, "the presiding Judge of Appeal if available", so that paragraph 42 as amended provides as follows: -

42. The registrar, if necessary, in consultation with the President or the presiding Judge of Appeal if available, or a Judge of Appeal, will decide if special circumstances are established.

**(Paul de Jersey)**  
Chief Justice  
27 September 2002

**Annexure A**  
**SAMPLE – INDEX TO PAGINATED BUNDLE OF DOCUMENTS FOR A CIVIL APPLICATION**

**IN THE COURT OF APPEAL**  
**IN THE SUPREME COURT OF QUEENSLAND**

**Appeal No. XXXX/XX**  
**Lower Court File No. XXX/XX**

**(Insert name of Applicant)**

**Applicant**

**and**

**(Insert name of Respondent)**

**Respondent**

**APPLICANT'S INDEX TO BUNDLE**

<b>No.</b>	<b>Description of Document</b>	<b>Date</b>	<b>Page</b>
1	Application	xx/xx/xx	A1 – A3
2	Affidavit of John Smith sworn xx/xx/xx	xx/xx/xx	A4 -A8
3	Exhibit JS1 to affidavit of John Smith	xx/xx/xx	A9-A12
4	Exhibit JS2 to affidavit of John Smith	xx/xx/xx	A13
5	Exhibit JS3 to affidavit of John Smith	xx/xx/xx	A14 -A15
6	Affidavit of Mary Brown sworn xx/xx/xx	xx/xx/xx	A16 -A18
7	Exhibit A to affidavit of Mary Brown	xx/xx/xx	A19
8	Notice of Appeal	Undated	A20-A24

Indexed Paginated Bundle of Documents  
Filed by the Applicant

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